

STATE OF MINNESOTA  
IN COURT OF APPEALS

A22-1442

**FILED**

April 24, 2023

OFFICE OF  
APPELLATE COURTS

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Lawrence Raymond Burns, petitioner,

Appellant,

vs.

State of Minnesota,

Respondent.

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**ORDER OPINION**

Hennepin County District Court  
File No. 27-CR-17-8159

Considered and decided by Connolly, Presiding Judge; Jesson, Judge; and Slieter, Judge.

**BASED ON THE FILE, RECORD, AND PROCEEDINGS, AND BECAUSE:**

1. In 2018, appellant Lawrence Burns entered a *Norgaard* plea to a charge of criminal sexual conduct for having sexual contact with a victim whom he knew or had reason to know was physically helpless. He agreed to a sentence of 90 months in prison and a ten-year term of conditional release. The Warrant of Commitment provided that “[c]onditional release after confinement has been set at 10 years.”

2. This court has twice rejected appellant’s challenges to his conviction. *See State v. Burns*, No. A18-1629, 2019 WL 3886914 (Minn. App. Aug. 19, 2019) (rejecting appellant’s challenge to the accuracy of his *Norgaard* plea and affirming his conviction), *rev. denied* (Minn. Oct. 29, 2019); *Burns v. State*, No. A20-0985, 2021 WL 856066 (Minn. App. Mar. 8, 2021) (rejecting appellant’s pro se argument that his claims of ineffective

assistance of counsel and denial of the right to a psychiatric evaluation were not barred by *Knaffla* and affirming the denial of his postconviction petition), *rev. denied* (Minn. Jun. 15, 2021).

3. In July 2022, appellant, acting pro se, filed a motion allegedly brought under Minn. R. Crim P. 27.03, subd. 9 (providing that a court “may at any time correct a sentence not authorized by law”), arguing that his conditional-release term violated his rights under *Blakely v. Washington*, 542 U.S. 296 (2004), and that the conditional-release term would be unenforceable because he will reside on the Red Lake Indian Reservation, where the state has no jurisdiction, upon his release from prison.

4. The district court issued an order concluding that: (a) appellant’s motion allegedly brought under Minn. R. Crim. P. 27.03, subd. 9, was actually a petition for postconviction relief; (b) appellant’s claims were time-barred under Minn. Stat. § 590.01, subd. 4(a)(2) (2022) (prohibiting a petition for post-conviction relief filed more than two years after an appellate court disposition of a direct appeal); (c) appellant’s claims were barred by the *Knaffla* rule and Minn. Stat. § 590.01, subd. 1(1) (2022) (prohibiting a convicted defendant from filing a postconviction petition “based on grounds that could have been raised on direct appeal of the conviction or sentence”) and (d) appellant’s claims were without merit.

5. When the conviction and sentencing components of a plea agreement are “interrelated,” a motion to correct an unlawful sentence under rule 27.03 is “inappropriate” and a district court does not err in construing such a motion as a petition for postconviction relief “where the appellant’s challenge implicates more than simply his sentence.” *Johnson*

v. *State*, 877 N.W.2d 776, 778-79 (Minn. 2016) (quotation omitted). The district court did not err in concluding that appellant's motion was a petition for postconviction relief.

6. At the plea hearing, appellant's attorney asked if he understood that, if he did not follow the conditions of his release, he could be sent back to prison "for up to the full ten years," and appellant replied, "I don't understand that . . . where does this ten years come from?" The district court then gave appellant and his attorney more time to discuss conditional release.

7. When appellant asked again where the ten years came from, his attorney answered, "The legislature passed a law that requires the Court to impose that" and appellant said, "Okay." Appellant later asked, "Where do these 120 months come from?" The district court told him, "This ten-year conditional release period that comes with the type of crime that you're charged with . . . no matter what. That's not something I have discretion over." Appellant said, "Right. I understand that."

8. Appellant was then given a copy of Minn. Stat. § 609.3455 (2018) (the statute imposing the conditional-release period) and said, "I read this. I know what you're talking about. Now I understand. We're on the same page." The district court observed, "It sounds like your questions have been answered about the conditional release period."

9. Appellant also argues that the conditional release term violates his rights under *Blakely*. But *Blakely* provides a right to a jury trial for sentences that go beyond the statutory maximum. *Blakely*, 542 U.S. at 313. Appellant's conditional-release period does not go beyond the statutory maximum; it is actually mandated by statute. Thus, there was no violation of appellant's *Blakely* rights.

10. Appellant argues that his conditional-release term is “moot” because he will go to the Red Lake Indian Reservation when he is released from prison and Minnesota law does not govern there and that *State v. Roy*, 928 N.W.2d 341, 346 (Minn. 2019) (holding that time spent incarcerated on the Red Lake Reservation for an offense committed there in violation of Minnesota probation conditions does not provide jail credit for the incarceration on the Minnesota sentence) violates the treaty establishing the sovereignty of the Red Lake Reservation. Appellant asks this court to “correct this encroachment” of *Roy*, but this court can neither reverse nor overrule a Minnesota Supreme Court decision.

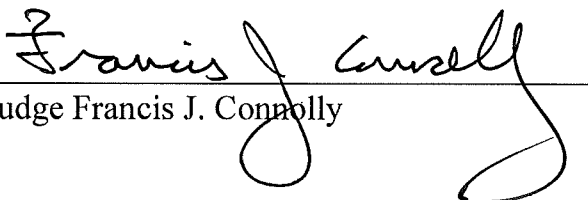
11. Appellant’s conditional release is part of a sentence imposed under Minnesota law for an offense committed in Minnesota: residing on the Red Lake Reservation would not affect it.

**IT IS HEREBY ORDERED:**

1. The district court’s order is affirmed.
2. Pursuant to Minn. R. Civ. App. P. 136.01, subd. 1(c), this order opinion is nonprecedential, except as law of the case, res judicata, or collateral estoppel.

Dated: 4/24/23

**BY THE COURT**

  
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Judge Francis J. Connolly